

REASON WHY SUPREME COURT JUSTICE CHASE ROGERS SHOULD NOT BE REAPPOINTED TO THE BENCH

1. On October 23, 2007 Chief Justice Rogers issued a press release that she was creating a Foreclosure Bench Bar Committee.
<http://www.jud.ct.gov/external/news/press250.htm>
2. The purpose of the Foreclosure Bench Bar Committee as stated in the press release was to “review current practices and practices in the courts regarding foreclosure cases, and make recommendations on ways to improve those procedures and practices.”
3. In order to carry out this mission Justice Rogers handpicked members included Judges who presided over foreclosure cases and attorneys who prosecuted foreclosure cases.
4. On the list of handpicked attorneys were the owners and partners of the two largest foreclosure mill law firms Hunt Leibert Jacobson PC and Reiner Reiner and Bendett PC¹: Attorney Richard Leibert, Attorney Geoffrey Milne and Attorney Adam Bendett.
5. At the time Justice Rogers chose these attorneys and during their continued tenure on the Foreclosure Bench Bar Committee the attorney firms have been charged, investigated and settled for running illegal kickback schemes, inducement schemes, double billing schemes and other fraudulent activities.
6. For instance, at the time Adam Bendett was chosen to sit amongst the Judges armed with the Constitutional Power of deciding foreclosure cases in this State, Reiner, Reiner and Bendett PC was charged, investigated and would eventually settled on December 10, 2007 with the Office of the Attorney General, the Insurance Commissioner and the Department of Consumer Protection of the State of Connecticut for running “Illegal kickback and Inducement Schemes.” See link: <http://www.ct.gov/cid/lib/cid/Reinerkickbacksettlement.pdf>
7. Despite this fact Justice Rogers allowed Adam Bendett to remain a member of the Foreclosure Bench Bar Committee with full access to the states Judiciary with callous disregard to the decorum of the Judiciary associating itself with Attorneys who carry out illegal kickback and inducement schemes.
8. Then, there was the issue of the corruption of the State’s Marshalls where Reiner, Reiner and Bendett, who reorganized under the name Bendett and McHugh along with Richard M. Leibert of Hunt Leibert Jacobson P.C., started to run a “Double Billing” Scheme where the Marshalls that worked for Hunt Leibert Jacobson P.C. and Bendett and McHugh would double bill homeowners for the delivery of papers. The Hartford Courant reported:

“The double-billing began in early 2007, with a small group of marshals who regularly worked for the state's two large foreclosure law firms, Hunt Leibert and Bendett & McHugh. The marshals included a three-page lien document known as a lis pendens each time they delivered legal papers in a foreclosure suit, but treated the delivery of that document as an entirely separate action, charging a second service fee and even double-charging for mileage. The practice typically added \$30 to \$150 to each service.

After the fee increases, the firms filed about 30,000 foreclosure suits before abandoning the practice following reports in The Courant and questions from Blumenthal's office.

Blumenthal said that not only were the extra fees excessive, but that state law does not even require that the document be served on defendants in a foreclosure suit. Marshals, however, typically serve papers at the direction of law firms. And if there are efforts to recover money retroactively for unnecessary deliveries, marshals are expected to argue that they were merely following the firms' instructions." See link http://articles.courant.com/2009-09-22/news/marshals0922.art_1_marshals-law-firms-foreclosure-actions. See also this link http://legalblogwatch.typepad.com/legal_blog_watch/2009/06/law-firms-probed-in-mortgage-foreclosure-cases.html.

9. The illegal activities of these Foreclosure Mills including filing fraudulent paperwork, bogus affidavits and robo-signed documents led to the Office of the Attorney General Richard Blumenthal to implement a moratorium on all foreclosures in the state of Connecticut which the Washington Post dubbed as "radical." This was an act that would soon be followed by the other 49 States of the Union. See link http://voices.washingtonpost.com/political-economy/2010/10/connecticut_halts_all_foreclos.html
10. Therefore, while Attorney General Blumenthal was trying to curb the illegal activities of the Foreclosure Mills which were causing the homeowners of the Connecticut to be foreclosed on illegally, Chief Justice Rogers was undermining his efforts and the efforts of the Executive Branch in this state. And rather than see how the Judicial Branch could assist the Executive Branch and the Office of Attorney General in its efforts to curb the illegal activities of the Foreclosure Mills, chief Justice Rogers instead created and maintains the Foreclosure Bench Bar Committee and invited the fraudulent and dubious Foreclosure Mill attorneys to fraternize with the foreclosure judges in an effort to collaborate according to her 2007 press release: "*to process these cases,*" despite the fact that the cases were filed and continues to be fraudulent in most instances.
11. Rather than attribute the problem with the backlog of cases in the foreclosure arena in the state to the greed and fraudulent activities by the Foreclosure Mills who got paid based on the rate of how fast they can foreclose, which caused them to create bogus and fraudulent documents in this effort which caused the backlog, Justice Rogers blamed the ordinary Citizens of Connecticut for the issues of the court backlog, created the Foreclosure Bench Bar Committee to assist the fraudulent Foreclosure Mills and declared that it was the self-represented parties "Pro Se" that were the reasons for the backlog in the courts and declared to the Judiciary on June 15, 2012 at the Annual Judicial Meeting

that: “the number one challenge that “We” face is that the number of self-represented parties continues to grow.”

12. Justice Rogers then went on to refer to the number of self-represented parties as “not just a Connecticut problem but a National problem.” There were no references to the Foreclosure Mills or fraudulent paperwork as the reason for the backlog of cases. She instead, blamed Legal Zoom and modern technology for the rise of self-represented party and declared that she would rather see the money made by legal zoom which assist self-represented parties go in the pockets of the attorneys. Please see video link <http://www.youtube.com/watch?v=Oz-KuBQfqE0>
13. Therefore, while other States and the Office of the Attorney General of Connecticut were trying to rid themselves of the notorious Foreclosure Mills and trying to curb their illegal activities which also included filing fraudulent foreclosures, bogus, robo-signed and fraudulent paperwork, the Chief Justice of Connecticut Chase Rogers took the opposite approach of collaborating with the Foreclosure Mills against the ordinary Citizenry.
14. For instance, in New York, Steven J. Baum who ran the largest Foreclosure Mill in that state and who is Attorney Richard M. Leibert’s Partner in a company called Pillar Processing. See link http://www.nytimes.com/2010/10/21/business/21equity.html?pagewanted=all&_r=0, was not only forced by the U.S. Attorney General of New York to shut down his 90 lawyer foreclosure mill practice, but a federal judge Judge Cecilia Morris blamed Attorney Steven J. Baum for slowing down the court.
15. Therefore, while Chief Justice Chase Rogers, sought to address the foreclosure crisis exacerbated by the flood of faulty paperwork filed in Connecticut courts by Hunt Leibert Jacobson P.C. and Bendett and McHugh by inviting Adam L. Bendett and Richard M. Leibert to sit amongst the Constitutional Judicial Officers of Connecticut to figure out together the best way to recreate the foreclosure rules and practices in order to move the faulty paperwork through the Connecticut judicial system, the U.S. Manhattan Attorney instead shut down the foreclosure mill law firm of Steven J. Baum and Judge Morris “ordered Baum to make repeat appearances in her courtroom until “each file” is corrected.” See link <http://nypost.com/2012/01/18/hes-losing-his-appeal/>.
16. Likewise, I the State of Florida the Supreme Court of Florida did not create a Foreclosure Bench-Bar Committee at the taxpayer’s expense to assist the foreclosure king of Florida Attorney David Stern push through his fraudulent foreclosure filings that had clogged up

Florida's Courthouses; neither did the Supreme Court of Florida grant unfettered access to the prestige of Florida's foreclosure judges to David Stern. Contrary to the decision of Chief Justice Chase Rogers to allow Richard M. Leibert, Geoffrey K. Milne and Adam L. Bendett to sit amongst Connecticut's Judiciary to see the best way Connecticut foreclosure judges can help the foreclosure mills figure out how to push their faulty foreclosure paperwork through Connecticut courts, the Supreme Court of Florida in January 2014 disbarred David Stern and ordered him to close his foreclosure law firm within 30 days, thereafter. <http://www.motherjones.com/mojo/2014/01/foreclosure-lawyer-david-stern-disbarred-florida>.

17. Since, the creation of the Foreclosure Bench Bar Committee the Foreclosure Mill attorneys who were charged and eventually settled for running illegal kickback, inducements and double billing schemes have been able to make rule changes to the Connecticut Practice Book that a profitable to their business and to prevent rules that are not profitable.
18. One of the latest rules that is not profitable to the Foreclosure Mills is the new proposed rule for summary judgment which would now require a "Statement of Facts" that must be rebutted by the opposite parties. Revealed in the minutes of the Foreclosure Bench Bar Committee is a resistance by the Foreclosure Bench Bar Committee to have this rule apply to foreclosure. This new rule would be helpful to the homeowners as it would mean that the attorneys and the foreclosure judges could no longer ignore facts raised by the homeowners and would need to bring concrete proof to challenge those facts. The Foreclosure Bench Bar Committee is of the opinion however, that such a rule would only run up the cost to the poor homeowners and have them tripping over themselves, when the truth is such a new rule change would require the attorneys and the foreclosure judges to consider facts raised by homeowners, which is currently being ignored under the present summary judgment rules.
19. Therefore, the purpose of the Foreclosure Bench Bar Committee is to create rules that benefit the Foreclosure Mills and to prevent good rules that would assist the homeowners.
20. The Foreclosure Bench Bar Committee is unconstitutional as well as an abomination. It not only gives the fraudulent Foreclosure Mills access to foreclosure judges but its tentacles reaches other areas of the judiciary like the Civil Commission and the Rules Committee. The Minutes of the Foreclosure Bench Bar Committee reveals that it has

made and blocked numerous rules in the area of foreclosure practice; from Short Calendar filings, Standing Orders, Practice Book rules etc.

21. Equally concerning is the fact that after creating an atmosphere where the judges who serve in the lower courts are told to work with the Foreclosure Mills and assist them in foreclosing with their faulty paperwork and fraudulent filings, chief Justice Rogers as part of a Majority Opinion in the case **Simms vs. Seaman 308 Conn. 523, 69 A.3d 880** ruled that an attorney or attorney firm that commits fraud against a third party is immune from suit. One of the pertinent part of the opinion states:

"It is better to make the rule of law so large that an innocent counsel shall never be troubled although by making it so large counsel are included who have been guilty of malice and misconduct...It is better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation."

22. Again the concern of the Chief Justice and the majority in this ruling seems to be self-represented parties where the opinion states:

*Abrogation of the privilege also would apply to the claims of **pro se litigants** who do not understand the boundaries of the adversarial process and thus could give rise to much unnecessary and harassing litigation."*

23. However, the Associate Justice Palmer in dissent noted that

"Although I agree that the importance of vigorous representation of and fidelity to one's clients warrants protecting an attorney from the threat of baseless claims, ***I disagree with the majority opinion that absolute immunity is necessary to achieve that end with respect to claims of fraud.***"

Justice Palmer continued:

"The majority's decision to extend the litigation privilege to attorney fraud is out of step with the large majority of jurisdictions that, upon consideration of the issue, have

expressly declined, either judicially or by statute, to broaden common-law immunity to include fraud.....because **no legitimate purpose is served by granting attorneys absolute immunity** rather than limited immunity, the majority's decision **rightly will be viewed-by nonlawyers especially - as unduly protectionist of attorneys.**"

24. Therefore, after allowing the Foreclosure Mills to cheat, fraternize and make the rules the Chief Justice Rogers and the Majority in the Simms case has brought them Absolute Immunity, which means there is no recourse for liability against these attorney firms for filing fraudulent foreclosures and making misrepresentations and carrying out fraud on the court.
25. The approach of the former Attorney General Blumenthal, the New York Attorney General and the Florida Supreme Court in dealing with fraudulent Foreclosure Mills was different, where they tried to root out corruption by shutting them down and disbarring them. Chief Justice Rogers' approach however, condones, fosters and encourages corruption and has left a stain on the Judiciary Branch and has placed every foreclosure case filed in the State of Connecticut in jeopardy by her shortsightedness in seeing that it was and is a blatant "Conflict of Interest" facilitated by the State through its adjudicative Powers to allow the Foreclosure Mills to collaborate with the fraudulent Foreclosure Mills in the largest land grab in Connecticut history.
26. The reappointment of Chief Justice Rogers must be denied and she must be impeached. Chief Justice Rogers is polarizing and has created an atmosphere of members of the BAR against the Public. Justice Rogers' ultimate failure is her inability to realize that she sits as Chief Justice and Judge not because she is a member of the BAR but because the People of Connecticut created a Constitutional Court which must remain impartial. She has failed to realize that although a litigant may be unrepresented in Court he/she is very much represented in the Legislature and that is where the fate of whether she will be reappointed lies, not with the BAR Association.
27. Therefore, I/we move that the Legislature not reappoint Chase Rogers to the Bench and impeach her.

1 Reiner, Reiner and Bendett PC would later become Bendett and McHugh PC and is still operating today from the same address.

CLOSING STATEMENT

Within the 2nd District and with numerous conversations with Judicial colleagues and Business associates Hon. Chase Rogers created Connecticuts Reputation to be known as Corrupt-ti-cut and Corrupt-ti-Court. Myself being a recent resident of this state is appalled by these classifications. These allegations induced me to do extensive research (As stated above). After said research I feel it necessary to bring forth these facts and presenting the truth at hand. I request this committee not to reappoint Hon. Chase Rogers, by doing so would be a dishonor and a smokescreen of the facts. It also would be accepting

**the reputation she created in Connecticut Judicial Courts. This should not be rewarded .
On the contrary there should be an Investigation and according to Connecticuts
Constitution an inquiry for Impeachment. Reinstate the name Connecticut, The
Constitution State!**

I APPOSE THE REINSTATEMENT

Vivian Winslow Thumser